

REMARKS

The present amendment and request for reconsideration is filed in response to the Office Action mailed April 1, 2009. Claims 1-40 are pending in the application.

In the Office Action, Claims 6-33 and 39-40 were rejected under 37 C.F.R. § 1.75(c) as being in improper form. In response, applicant has removed the multiple dependencies from the claims. It is therefore requested that the Examiner withdraw the objection to these claims and examine the claims on the merits.

Claims 1-2 and 34-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rode et al., U.S. Patent No. 5,184,996. Applicant respectfully traverses the rejection.

Nothing in the Rode et al. reference describes an apparatus for assembling a collapsible enclosure assembly that includes the combination of the claimed features including "at least one finger positionable externally of the enclosure assembly and positionable internally of the enclosure assembly, wherein when internally located, the finger engages with an internal surface of one of the walls and when driven, the finger expands the walls relatively apart." As described in Rode et al. at Col. 3, lines 13 - 16, the cover 50a is expanded with external suction cups. Because the Rode et al. reference does not disclose each feature of Claim 1, it is submitted that Claim 1 and the claims that depend thereon are allowable.

With respect to method Claim 34, it is submitted that nothing in the Rode et al. reference teaches or suggests a method of assembling a collapsible enclosure assembly including "causing a finger to move from a position external of the enclosure assembly to a position internal to the enclosure assembly and when in the position internal to the enclosure assembly, driving the finger so that the finger engages the wall and expands the walls relatively apart." Because Rode does not describe at least these steps of Claim 34, it is submitted that Claim 34 and the claims that depend thereon are allowable.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSTM
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rode et al. in view of Wingerter, U.S. Patent No. 5,393,291. Applicant respectfully submits that Claims 3-5 depend from Claim 1, which is believed to be allowable. Therefore, Claims 3-5 are allowable at least by reason of their dependency.

In light of the above, it is requested that the Examiner withdraw the rejections and pass this case to issue at the earliest possible date. If the Examiner has any additional questions regarding the application, the Examiner is invited to call applicant's attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

A handwritten signature in black ink, appearing to read "Rodney C. Tullett", written over a horizontal line.

Rodney C. Tullett
Registration No. 34,034
Direct Dial No. 206.695.1730

RCT:ejh/sbk

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100